



MKSOA MEMBERS

JOHN KOMEIJI
Chairperson

*LAURA KAAKUA

*DOUG ADAMS

*GENE BAL

KAMANA BEAMER

PAUL HORNER

KALEHUA KRUG

LANAKILA MANGAUIL

NOE NOE WONG-WILSON

RICH MATSUDA

POMAI BERTELMANN

*BONNIE IRWIN

*ex-officio

MAUNAKEA STEWARDSHIP OVERSIGHT AUTHORITY (MKSOA)

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PUBLIC MEETING MINUTES

Thursday, February 9, 2023

10:00 am

Online via ZOOM and livestreamed via YouTube

AUTHORITY MEMBERS

PRESENT, In-person: Doug Adams

PRESENT, Zoom: John Komeiji, Chairperson; Rich Matsuda; Paul Horner; Lanakila Mangaui; Bonnie Irwin, Noe Noe Wong-Wilson

EXCUSED: Pomai Bertelmann, Kamana Beamer, Gene Bal, Kolehua Krug

MKSOA STAFF: Margaret Leong, Deputy Attorney General (DAG)

GUESTS: Ka'iu Kimura (UHH 'Imiloa), Lisa Spain (UHH 'Imiloa), Greg Chun (UHH CMS)

I. CALL TO ORDER AND WELCOME PROTOCOL

The meeting was called to order at 10:04 am. Roll call was conducted, and quorum was established with seven Members. Chair Komeiji invited Member Mangaui who provided a Hawaiian Oli before the start of the board meeting. Chair Komeiji welcomed all of the MKSOA (Authority) members, and asked each member to rotate and take turns in opening up the board meetings.

II. COMMUNITY AND PUBLIC COMMENTS

No online or written testimonies provided.

III. APPROVAL OF THE MINUTES OF THE JANUARY 10, 2023 MEETING

MOTION: Member Wong-Wilson moved to approve meeting minutes from January 10, 2023.

ACTION: The motion was unanimously approved.

IV. CHAIR REPORT

Chair Komeiji noted that there is no report except for what will be discussed in the agenda.

V. GOVERNANCE

A. Status Report: Administrative Permitted Interaction Group

Member Wong-Wilson provided an overview of the Administrative Permitted Interaction Group (PIG). The PIG met on December 20, 2022, January 26 and January 31, 2023. Committee members include Noe Wong-Wilson, Doug Adams, Kamana Beamer, Rich Matsuda, and Gene Bal. The PIG has three recommendations:

- The establishment of five positions: Executive Director, Project Director, Finance Manager, Human Resource Manager, and Secretary. Subsequent to the report, Chair Komeiji and Member Wong-Wilson had meetings with the Department of Land and Natural Resources (DLNR) who provided recommendations for position titles albeit the functions remain the same. The PIG requests flexibility in the naming of positions.
- Retain three consultants to assist in standing the Authority. Consultant services (1) Project Management; (2) Community Outreach; and (3) External Legal Counsel. External legal consult to be acquired when needed.
- Draft rules of procedure and organization of the Board of Directors that sets a framework to allow the Authority to begin work. Rules of procedure will need to be added to as the Authority matures.

Member Matsuda and Member Adams concur on the thoroughness of the status report. Rules of Procedure vote will happen at the next meeting.

Chair Komeiji described the process of the permitted interaction group. The PIG is appointed and makes recommendations at the subsequent board meeting. Public comment period takes place at the subsequent meeting. Public comment is taken into consideration for Board action on PIG recommendations. The purpose of today's report is to share with board members and the general public on the progress of the PIG. At the March board meeting, the Board will gather public input and take a vote on the recommendations. Chair Komeiji and Member Horner, thanked the PIG for their work.

Member Horner asked if the Board needs to vote to accept the report and recommendations. The Board does not need to vote to accept the report. The Board reviews and takes action at the next meeting. Member Matsuda noted that the Administrative PIG has more work to be done.

VI. ADMINISTRATION

A. Status Report: Hiring Executive Assistant

Chair Komeiji reported that the Executive Assistant position will be posted for public dissemination. Chair Komeiji will provide all of the board members with the job description when finalized. A three person hiring panel would need to be constituted to review and interview potential candidates at a later meeting.

B. Discussion Regarding Retention of Consultants

Member Wong-Wilson noted that Act 255 requires an annual report regarding community outreach. The Maunakea Working Group had intended that the community be a vital part of the management of Maunakea. Given the difficulty of getting the Authority up and running, the recommendation is to hire consultants, with existing MKSOA funds, for community outreach development. This would be consultant services to help set up opportunities to go out into the community. A possibility is to also host meetings in various locations for easier access for community.

In addition, Project Management and External Legal Support for transferring kuleana between the University of Hawai'i (UH) and MKSOA requires skilled project management to anticipate and address all of the entities and activities that need to be done. Project Management would eventually be the function of a staff member, but would like to initially retain a consultant to initiate.

These are 3 areas to fit under consultant contracts and will ask for decision making at the next board meeting.

Chair Komeiji also noted that Speaker Saiki has assigned one of his staff members, Wes Machida, to help MKSOA work through state requirements. Mr. Machida was the head of the Employee Retirement System and the head of Budget and Finance. He has been very helpful in helping to understand complexities and nuances to stand up MKSOA. He will be introduced at a future board meeting. He is a Kamehameha Schools graduate and a CPA by training. He is very helpful and dedicated to this mission.

VII. FINANCE

A. Report regarding Senate Ways and Means Committee and House Finance Committee appearance.

Chair Komeiji reported that he was asked to testify before the Senate Ways And Means (WAM) and House Finance committees. Subject was a review of the DLNR budget – MKSOA as an affiliated entity with DLNR, Chair Komeiji was asked to comment on the request for \$14M within the next two fiscal years. Chair Komeiji explained to both committees that this number was taken from the Working Group and that at a high level, it identifies the fiscal funds needed.. There were no firm numbers discussed, but there may be a request to make the transition to the MKSOA earlier than the 5-year transition period. That is a big question as to whether or not MKSOA can stand up with a sufficient organization structure in a shortened time. WAM Chair asked that we further refine the budget by March to be spent in the following fiscal. That budget will also be presented to the House Finance committee.

B. Create Permitted Interaction Group to assess, research, study and recommend proposed biennium budget.

MOTION: Member Wong-Wilson moved to establish a Budget PIG to recommend a biennium budget and to reappoint four of the five members of the current Governance PIG – Members Wong-Wilson, Matsuda, Bal, Adams, and Komeiji (since Chair Komeiji is the point person for legislative affairs). Motion seconded by Member Horner.

ACTION: The motion was approved unanimously. Member Wong-Wilson was appointed to chair the Budget PIG.

Chair Komeiji would like to involve everyone in a committee to leverage the knowledge and experience amongst the group. Perhaps not only through PIGs, but other committees may be formed. It's the collective knowledge, wisdom, and experience that will move MKSOA forward. We will expand beyond PIGs and into committees – all will be asked to participate.

VIII. OPERATIONAL UPDATE

A. Report on Proposed Legislation

Chair Komeiji provided legislative updates for 2023 session.

- SB1510: Creates an astronomy/engineering department within UH to support instrumentation across the various Maunakea Observatories (MKO) so that development and manufacturing can happen locally. The bill proposes to create faculty and staffing to build a program that would benefit community from knowledge and job development standpoint.

Member Irwin noted that UH System leadership, University of Hawai'i at Hilo (UHH) leadership and the Dean of the College of Engineering are initiating this and that it would provide support in the development of optics and technology for the MKOs. Ten faculty lines would be based in Hilo and have teaching capacity at UHH. UHH cannot stand up an engineering program but there could be a robust pathway for Hawai'i Island/UHH students to the Mānoa program. 'Imiloa is also a part of the STEM education ecosystem and would provide broader community education opportunities.

Member Matsuda noted that the astronomy community sees this bill as improving the pathway for the workplace pipeline, developing local capacity for Maunakea Observatories employment.

Member Mangauil noted that this bill could be a point of conflict in the community and seen as a means for long term support for things that are in question. This is something that MKSOA needs to be mindful of and keep the focus of putting Maunakea at the center of MKSOA's work – conservation and the ecosystems of Maunakea. A big push for engineering/machinery before conservation is something to be highlighted. Member Irwin noted that UHH has conservation and biology programs and that UHH would not be neglecting concerns for conservation.

SB1510 hearing is set for Feb. 9, 1pm before the Committee on Higher Education (HRE) and WAM . If the measure passes, it will go to the House for hearings.

- SB265: A bill introduced by Senator Fevella that establishes a process for any project under review for conservation zoned lands. The process would require a referendum to be taken within the designated County in order to see if there is support or no support for granting a permit for the project. This would also apply to Maunakea and all projects within the State. The bill had not yet been scheduled for a hearing.
- SB81: A bill introduced by Senator Inouye that seeks to clarify that the Board of Land and Natural Resources' authority shall supercede the MKSOA for all lands designated under the state conservation district. This bill questions the scope of the MKSOA as a fully independent decision making entity and would require MKSOA decisions to be reviewed and approved by DLNR. The bill passed out of Water/Land with an amendment of 2050 as the effective date. The committee report also noted the intentional incorrect date inserted to allow for further discussion. Three committee members voted Aye, one with reservations, and one opposed. The bill is referred to Judiciary and WAM.

Chair Komeiji testified that MKSOA is still determining the interdependencies of how things work. This discussion should be taken up next year.

Member Wong-Wilson noted that MKSOA should continue with the position to hold off on making any changes as the official position until MKSOA has a chance to develop a process and fully vet any legislation. Any issues should be addressed in legislative session 2024.

Member Horner commented that this bill takes away the authority of MKSOA.

Member Irwin commented that the Working Group discussed both scenarios of with or without DLNR oversight. MKSOA weighing in now would be awkward since MKSOA hasn't had the chance to discuss and solidify a position. One concern is that shifts in board priorities could impact not just astronomy, but also conservation. MKSOA needs to dig deeper into this issue.

Member Matsuda noted that he supports the position to first let MKSOA figure out its functionality.

Chair Komeiji noted that interdependency between a lot of components makes this really complex. We need to educate board members on these complexities including the linkages between leases, revenues, fund expenditure, etc.

- Confirmation of MKSOA members: Chair Komeiji has been in contact with Governor Green's office regarding the renomination of the current MKSOA members. Chair Komeiji is advocating for the process for nominations and confirmations to start.

B. Update regarding UH88 Observatory incident

Center for Maunakea Stewardship (CMS) Director, Greg Chun, provided an update on the UH88 telescope leakage issue. IFA operates the UH88 telescope at the summit. On January 10, 2023, a leak in the chilling system was discovered. This system cools the walls and floors of the observatory to ensure proper viewing conditions. The system was turned off and remains off. It is being inspected daily to ensure no leakage. Two leaks were found, one at the pump that circulates fluid through the system and the second at the tank that holds the fluid. Fluid is believed to be ethylene glycol. CMS is working with DOH to ensure that all procedures are being followed. UH sent samples to an EPA certified lab in California and to DOH for their testing. Awaiting confirmation of fluid. 30-70% concentration ethylene glycol to water – similar to car cooling systems. IFA has a plan they would like to implement to drain and flush the system that will allow for a determination on how much fluid remains in the system to give a better idea of how much was released, and to also determine other possible issues with the system. Risk associated with this effort is being guided by DOH – flushing system during winter months could cause water to freeze and damage the system. CMS is awaiting DOH guidance on how to proceed. CMS has submitted a written report within the 30 day period – submitted Monday, Feb. 6. An inspection of the drain pipe where one of the leaks is believed to have been discharged into has been done. The pipe was snaked with a camera – the pipe exits the building about 90 ft. out. The snake ran into an obstruction that it couldn't move past. There is fluid in the bottom of drain pipe, but it is not determined what blockage is. Fluid already extracted is at 2 gallons. Fluid contained small amounts of ethylene glycol – that fluid has also been sent to lab for analysis. IFA will not operate the system until guidance is provided by DOH.

Questions asked of Director Chun:

- When snake hit the blockage – confirmed or unconfirmed that liquid was released?
 - Unconfirmed, but going under assumption that fluid leak occurred.
- Is there going to be more information made available to public other than the initial report?
 - Want to provide more affirmative information with the next public release. There currently isn't any new data to release, but can update on where we are in the process. DOH also wants to inspect the site.
- Are the other facilities being inspected?
 - All facilities have a spill/mitigation measure plan. All are being asked to review and update their plans. Working with DOH to do training for all the MKOs on reporting requirements and what they need to have included in their spill response plans.
- Does every facility have a different group of personnel – each managed separately?
 - Yes, and every system is a little different.

C. Report on American Astronomical Society panel presentation

Member Matsuda reported that Chair Komeiji, Member Wong-Wilson and Member Mastuda were invited to share information about the Authority at the winter American Astronomical Society conference in Seattle in January 2023. AAS is the professional society for astronomy in the U.S., the winter conference being the main gathering. Approximately 2500+ astronomers and affiliates were in attendance. These three members were invited to participate on a panel: “A

Panel Discussion with Members of the Mauna Kea Stewardship and Oversight Authority” – moderated by Ka’iu Kimura, Executive Director of ‘Imiloa. The plenary panel was held on January 9 with approximately 1300 attendees. The panel covered 3 main topics: 1. Context in Hawai‘i leading up to the MKSOA, 2. Role of Working Group, and 3. Current status and aspirations to fulfill kuleana in community based mutual stewardship. The panel was hosted publicly and available at <https://vimeo.com/787978712>.

Member Mastuda noted that the panel was positively received. In addition, the three members were invited to participate in a workshop on community models of astronomy. Astronomers, educators, and practitioners who are working to bring astronomy, community interests and values into better alignment with local communities. It was noted that MKSOA members were operating in compliance with the Sunshine Law. Conferences are allowable as long as decisions or votes are not being discussed. Presentations were informational in nature.

Member Wong-Wilson also noted that MKSOA should be sharing publicly to Hawai‘i community groups. Perhaps an outreach consultant can help to coordinate these types of activities.

Chair Komeiji noted that one duty of MKSOA is to educate, inform and be transparent. This was one avenue to do that – this effort needs to be expanded within local communities throughout Hawai‘i.

IX. EXECUTIVE SESSION

MOTION: Member Matsuda moved to approve to go into Executive Session to consult with the MKSOA's attorney on questions and issues pertaining to the Authority's powers, duties, privileges, immunities, and liabilities pursuant to HRS§92-(a)(4), regarding Governance, Administration, and Finance. Member Wong- Wilson seconded the motion.

ACTION: The motion was approved unanimously.

Executive Session began at 11:26 am, and ended at 11:54 am.

The Board reconvened into regular session at 11:54 am.

. The board voted to form a budget planning PIG to create recommendations to form a budget and a biennium budget. The Board disussed the sequencing of the Budget PIG recommendations and rules, and the timing for reporting to WAM in March. There will not be sufficient time to go through the entire process. But recommendations will be created and will need to report to WAM in March. There is an exemption for responding to legislative hearings, but when trying to develop a budget that process may not be helpful. Recommendations will be discussed at the board level for public discussion and consideration/vote. Board members have had several discussions with the CMS staff to understand the budgets and sources of funding.

X. ANNOUNCEMENTS

- A. Staff of the Ethics Commission indicated that all members of MKSOA have to take online ethics training by Jan, 31, 2024. Training can be found on the State Ethics Commission/Board Website (<https://ethics.hawaii.gov/training/>)
- B. Mahalo to Ka'iu and Lisa for the support provided today.
- C. Next public meeting, Thursday, March 9, 2023, 10 am.

XI. ADJOURNMENT

Meeting adjourned at 12:01 pm

Approved _____

DRAFT